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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,382

10/05/2004

Frederic Noelle

37063

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116 7590 03/07/2007

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SUITE 1200

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EXAMINER

VANATTA, AMY B

ART UNIT

PAPER NUMBER

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/510,382

Applicant(s)

NOELLE, FREDERIC

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10052004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restriction

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

I. Group I, claims 1-11, drawn to an apparatus (drum and production unit) and method of producing a nonwoven material.

II. Group II, claims 12-13, drawn to a nonwoven material.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I is drawn to an apparatus and method involving a drum having a water-impermeable partition subdividing the interior of the body of the drum. Group II does not share this special technical feature, but rather recites a nonwoven fabric having a specific breaking strength ratio.

3. During a telephone conversation with Joseph Corso on March 1, 2007, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11.. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure:

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it contains legal phraseology, specifically the term "said". Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: There is no Brief Description of Fig. 6 (see page 4 of specification).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "cylindrical body with perforated lateral surface" is confusing and therefore "a" should appear before "perforated lateral surface".

In claim 1, line 5, "means intended to create a partial vacuum" renders the claim indefinite since the term "intended" makes it unclear whether the means actually does create a partial vacuum. Thus, it is unclear whether a means which creates a partial vacuum is actually being claimed. The recitation should more positively set forth the means for creating a partial vacuum. Likewise, "means specific to each compartment intended to create a partial vacuum" in claim 4 renders the claim indefinite.

In claim 1, line 11, it is unclear to what "both" refers. It is suggested that the claim be amended to recite "both compartments".

In claim 1, line 12, it is unclear to what "the means intended to create same" refers. The element should be more clearly recited. Also, the term "intended" renders the claim indefinite, as explained above, since it is unclear whether or not the claimed element performs the recited function.

In claim 2, line 1, the term "it" is indefinite since it is unclear to what element "it" is referring.

In claim 2, line 7, "the sleeve" lacks proper antecedent basis.

In claim 5, line 6, it is unclear to what "the second" refers. It is suggested that "the second" be amended to recite "the second compartment".

In claim 6, line 5, "the compartment" renders the claim indefinite since it is unclear whether this is referring to the first compartment or the second compartment.

In claim 8, lines 2-3, "tower with conveyor" is confusing and therefore "a" should appear before "conveyor".

In claim 9, line 1, "The installation" lacks proper antecedent basis.

In claim 9, line 3, "the tangential conveyor" lacks proper antecedent basis, since such a conveyor was not set forth in claims 1 or 8.

In claim 10, line 1, "The installation" lacks proper antecedent basis.

In claim 10, "the drawing of the material " lacks proper antecedent basis. It is unclear what "drawing" is being referred to.

In claim 10, lines 3-4, "that is to say" renders the claim indefinite since such language is imprecise.

In claim 11, lines 2-4, "an installation as claimed in claim 8 is used" renders the claim indefinite since "an installation" per se is not recited in claim 8. Thus, it is unclear exactly which of the structures of claim 8 are being incorporated into claim 11. Also, the method of claim 11 is not clearly set forth in that the method depends on apparatus claim 8 and does not clearly and positively set forth the method steps which make up the claimed process. Claim 11 provides for the "use" of the apparatus of claim 8, but, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

In claim 11, line 5, "the tangential conveyor" lacks proper antecedent basis, since such a conveyor was not set forth in claims 1 or 8.

Allowable Subject Matter

9. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Amy B Vanatta
Primary Examiner
Art Unit 3765